FARAD CONTINUATION SHEET.
IN THE PHIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION NO.4496 OF 2006

IN

WRIT PETITION NO.2564 OF 2002 (decided).

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with the Registry of this court for quite sometime. However, after the Public Interest Litigation was dismissed, the amount of Rs.100,000/-, which was deposited, was not refunded to the party-in-person and therefore, the party-in-person had approached the Apex court and the Apex court vide order dated 23/5/2006 observed thus -

"We are of the opiniion that the two orders passed by the High Court rejecting the prayer of the appellant herein is not correct and is liable to be interfered with. We, therefore, have no hesitation to set aside the orders passed by the High Court in the Civil Applications. The Registry of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur is directed to refund the sum of Rs.1 lakh forthwith to the appellant. If the amount is deposited in any bank, the appellant shall be entitled to Rs.1 lakh together with the interest accrued thereon".

3. The party-in-person, therefore, has contended that direction be given to the Registry of this court to pay interest at the rate of 12% on the amount of Rs. 1,00,000/- from the date when it was deposited till same was refunded to the party-in-person.

4. The party-in-person, on earlier occasion made a request by filing an application to the Administrative Judge of Nagpur Bench of Bombay High Court for grant of payment of interest. The said application was placed before the administrative Judge and administrative Judge, considering the order of the Apex Court, has passed the following order on 18/7/2006.

"Since the order of the Supreme Court directed the Registry of our High Court to refund the amount deposited, and the applicant had applied for the refund of the amount in terms of Supreme Court order, in the facts of the case, there was no need to place the application for any further order before the court. The Registry was required to comply with the order of the Supreme Court. Being so, the grievance of the applicant is devoid of substance. Question of grant of interest does not amount as the amount was not invested in any bank."

5. It is, therefore, evident that the earlier request of the petitioner for grant of interest was considered by the administrative judge and on administrative side the above-referred order is passed, keeping in view the order of the Apex court dated 23/5/2006.

6. After taking into consideration the facts and

circumstances as well as in the backdrop of the above-referred facts, particularly keeping in view the observations of the Apex court in the order dated 23/5/2006, the party-in-person would have been entitled to get interest only if the amount of Rs. 1,00,000/- would have been kept in the bank. However, since the situation is otherwise, it cannot be said that the action taken by the Registry is inconsistent with the order of the Apex court. In the circumstances, application suffers from lack of merit, same is dismissed.

JUDGE JUDGE

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